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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/232,212	01/19/1999	JEFFREY ALLEN JONES	AT9-98-567	2081

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EXAMINER

WON, YOUNG N

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 10/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/232,212

Applicant(s)

JONES ET AL. *107*

Examiner

Young N Won

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8-29-02
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Amended claims 1-14, 16, and new claims 17-20 have been examined, and claim 15 has been re-examined.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heath et al. (US 6006034 A) in view of Rowley (US 5999740 A).

As per claims 1 and 4, Heath teaches a method of communication over the Internet in which data is transmitted over Internet connections from an Internet processor to Internet servers or between an Internet processor and an Internet server over the Internet (see Fig.2B; col.3, lines 24-31; and col.4, lines 28-37), the improvement of displaying to the user of said Internet processor, before any data is

transmitted over said Internet connection or to an Internet server, a message including an indication of the information (see col.4, lines 42-43: "list of the application components") to be transmitted (see col.4, lines 39-58). Heath does not explicitly teach about a cancel control for canceling the transmission, and allowing said user to cancel the transmission by selecting the cancel control. Rowley teaches about a cancel control for canceling the transmission, and allowing said user to cancel the transmission by selecting the cancel control (see col.5, lines 59-61). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Rowley within the system of Heath, by implementing a cancel button in an Internet-based software upgrade system, because this gives the user numerous reasons and control for canceling the transmission. Heath teaches of automatically canceling the transmission and re-routing to another server due to exceeded wait-time. By employing the addition of Rowley, the canceling can be done at any time by the control of the client.

As per claim 2, Heath further teaches wherein the message further includes the address of the Internet server to which the information is to be transmitted (see Fig.3B, #320 & #324; and col.4, line 65 to col.5, line 5).

As per claim 3, Heath further teaches wherein said message further includes a selection control for selecting the information to be transmitted (see col.1 lines 50-52; col.2, line 63 to col.3, line 3; and col.6 lines 3-19 & 21-25).

As per claim 5, Heath further teaches wherein the message further includes an indication of at least a first information item (see col.4, line 65 to col.5, line 30). **Note:**

Labeling the information item with "first" does not make the claim patentable nor does it further limit, unless it is distinctly described to separate itself from other information item.

As per claim 6, Heath further teaches wherein the message further includes at least a first selection control for selecting the first information item to be transmitted (see col.2, line 66 to col.3, line 3).

As per claim 7, Heath teaches a method of controlling information transmitted from an Internet processor over an Internet connection comprising: displaying a message to the user of said Internet processor whenever information is about to be transmitted over the Internet connection to an Internet server said message setting forth the Internet address of the server to which information is to be transmitted and including a cancel control for canceling the transmission; and canceling the transmission to said Internet server in response to selection of the cancel control (see claim 1 and claim 2 rejection above).

As per claim 8, Heath further teaches further comprising displaying in said message an indication of at least a first information item to be transmitted (see claim 5 rejection and Note).

As per claim 9, Heath further teaches wherein message includes a first selection control for selecting the first information item to be transmitted (see claim 6 rejection above).

As per claim 10, Heath teaches of an Internet processor comprising: means to make Internet connections to Internet servers over the Internet; means to transmit

information over said Internet connections to said Internet servers; means to display a message indicating the Internet address of the Internet server to which information is about to be transmitted when a transmission of information is about to occur and a cancel control for canceling the transmission; and means for canceling the transmission responsive to selection of the cancel control (see claim 1 and claim 2 rejection above).

As per claim 11, Heath further teaches wherein the message further includes an indication of at least a first information item to be transmitted (see claim 5 rejection and Note above).

As per claim 12, Heath further teaches wherein the message further includes a first selection control for selecting the first information item (see claim 6 rejection above).

As per claim 13, Heath teaches of a computer program product (see col.13 line 49) in a computer-readable medium for providing control over information transmitted from an Internet processor over the Internet: means to establish Internet connections over the Internet between said Internet processor and Internet servers wherein said Internet processor can transmit information over said Internet connection; means operative when information is about to be transmitted over an Internet connection to display a message before the information is transmitted, said message including an indication of at least a first information item about to be transmitted and a cancel control for canceling the transmission; and means to cancel the transmission responsive to selection of the cancel control (see claim 1, 2, and 5 rejection and Note above).

As per claim 14, Heath further teaches wherein said indication includes a selection control for selecting information item to be transmitted (see claim 3 rejection above).

As per claim 15, Heath further teaches wherein said message further includes the Internet address of the Internet server to which information is about to be transmitted (see claim 2 rejection above).

As per claim 16, Heath teaches of a computer program product in a computer-readable medium for providing control over information transmitted from an Internet processor over the Internet: means to establish Internet connections over the Internet between said Internet processor and Internet servers wherein said Internet processor can transmit information over said Internet connection; means operative when information is about to be transmitted over an Internet connection to display a message before the information is transmitted, said message including an indication of the address of the Internet server to which information is about to be transmitted and a cancel control for canceling the transmission; and means to cancel the transmission responsive to selection of the cancel control (see claim 1, 2, and 13 rejection above).

As per claim 17, Heath does not explicitly teach wherein the first selection is selected by default. However, Heath does teach that the system may be implemented to automatically update by an operating system or a launcher program at start-up (see col.2, lines 52-55), therefore, it is inherent in such a system to set priority and implement a default selection either by the server or client.

As per claim 18, Heath does not teach of further comprising removing the first information item from the transmission before the information is transmitted responsive to deselection of the first selection control. Rowley teaches of removing the first information item from the transmission before the information is transmitted responsive to deselection of the first selection control (see Fig.9). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teaching of Rowley within the system of Heath, by removing selected item upon deselection from the selection control within the Internet-based software upgrade system, because such limitation is well known in user defining options in all software applications.

As per claim 19, Heath does not teach of further comprising displaying in said message an indication of at least a second information item to be transmitted. Rowley teaches of further comprising displaying in said message an indication of at least a second information item to be transmitted (see col.7, lines 50-54). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teaching of Rowley within the system of Heath, by implementing a second information item to be transmitted within the Internet-based software upgrade system, because there is always the possibility that more than one application has an older version than what is current out of the plurality of applications currently installed in today's computer systems.

As per claim 20, Heath does not explicitly teach wherein the message includes a second selection control for selecting the second information item to be transmitted.



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Heath however does teach that a user may select a launcher program to select particular programs to update (see col.6, lines 23-25). Rowley teaches of a second information item (see claim 19 rejection above). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teaching of Rowley within the system of Heath, by implementing a second selection control for selecting the second information item to be transmitted within the Internet-based software upgrade system (see claim 19 rejection above).

### ***Response to Arguments***

3. Objections to the drawings have been withdrawn.
4. Objection to claim 14 has been withdrawn.
5. Claim 8 rejection under 35 U.S.C. 112, second paragraph, has been withdrawn.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

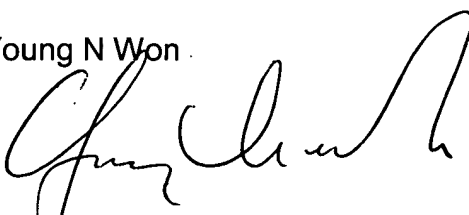
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Young N Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Young N Won



October 8, 2002



AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
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